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Fifty-seventh session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 21 March 2001, at 10 a.m.

Chairperson: Mr. DESPOUY (Argentina)

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The meeting was called to order at 10.10 a.m.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF THE RUSSIAN FEDERATION

1. Mr. ORDZHONIKIDZE (Deputy Minister for Foreign Affairs, Russian Federation), recalling the atmosphere of cooperation that had prevailed during the Millennium Summit last autumn and the agreements reached on that occasion, said that that atmosphere should also prevail at the present session of the Commission on Human Rights.

2. The principle of the universality of human rights must be based on respect for the sovereignty of States. Dialogue on that aspect of human rights must be free from double standards and political considerations. Decisions should reflect the needs and aspirations of individuals, not political ambitions and ideological precepts. It was vital for United Nations bodies and regional organizations dealing with human rights to complement one another in their work in order to avoid duplication of efforts and rivalry. The Russian Federation would be guided by those principles at the Commission's fifty-seventh session.

3. The Russian Federation was a co-sponsor of the peace process in the Middle East but the process was now at a dead end. It was essential to resume negotiations and above all to lift the economic blockade of Palestinian territories, where the situation had deteriorated drastically. The Commission's resolutions on the Middle East should serve as the starting point for reaching a sustainable political settlement.

4. The Balkans were once again the focus of international attention, with the deterioration of the situation in Macedonia, continuing crimes against Serbs and representatives of other non-Albanian communities in Kosovo and the spillover of violence into Serbia. Those events clearly showed that NATO's operations against the Federal Republic of Yugoslavia in 1999 had not solved a single problem. Quite the contrary, they had led the extremists to believe that they could violate human rights with impunity and thereby manipulate public opinion. The situation demonstrated that "humanitarian intervention", when not approved by the Security Council, ran counter to the objective pursued, namely to strengthen human rights and protect national minorities. The international community needed to take decisive action to prevent a new conflict in the Balkans, and the Commission's decisions should further that end.

5. The Commission should also not ignore the threat represented by the Taliban, as exemplified by the barbaric destruction of centuries-old monuments of civilization.

6. The Russian Federation attached great importance to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which should take up a number of problems that were facing most countries, including those in Europe.

7. The Commission must continue to seek appropriate responses to challenges such as terrorism and aggressive nationalism. It must continue to consider the human rights dimension of such issues as globalization, information technologies, genetic engineering and managing migration flows.

8. The promotion of democracy in Russia was now an irreversible process. The elections in 2000, the establishment of human rights mechanisms, the creation of an independent judiciary, a dynamic civil society and free media bore witness to that fact.

9. As to Chechnya, in contrast to the totally unobjective picture of the situation painted by various international human rights bodies, his delegation reaffirmed the appraisal it had given the Commission the previous year. Acting in conformity with the law, the Russian Federation had countered the activities of terrorists, whose organizational structure had been destroyed and formations dispersed. Local administrative bodies had been re-established in the majority of regions. The former Mufti of Chechnya, Mr. Kadyrov, who had addressed the Commission in 2000, had been appointed head of the Chechnya administration. Local elections were in the preparatory stage. There had also been improvements in the social and economic spheres. Facilities and infrastructure were being restored and the population had begun to receive pensions and aid. The legal system was being re-established. The office of the Special Representative of the President on Human Rights and Freedoms in the Chechen Republic, Mr. Kalamanov, was continuing its work. In view of the relative stability of the situation, the President of the Russian Federation, Mr. V. Putin, had decided to reduce the size of the military in Chechnya. It all proved that the crisis was being resolved in the proper manner, namely through political means. At the same time, the Russian Federation would continue to fight the remaining terrorists that did not wish to surrender. Unfortunately, the recent hijacking of an aeroplane in Turkey demonstrated that certain forces were still interested in undermining the peace process.

10. The Russian Federation was often reproached for failing to investigate crimes committed by members of the military. Mr. Putin had stated that all those responsible for human rights violations would be brought to justice, but investigations required time and resources, both human and material. Russia had never refused to cooperate with the international community. International humanitarian organizations as well as representatives of the International Committee of the Red Cross were present and working in the region. The OSCE (Organization for Security and Cooperation in Europe) Assistance Group to Chechnya had been invited to return to Chechnya. Representatives of the Council of Europe were working in the office of Mr. Kalamanov on a permanent basis. The Commissioner for Human Rights of the Council of Europe, Mr. Gil-Robles, had recently visited the region.

11. Lastly, the search for common ground and the adoption of constructive decisions should take priority within the Commission; otherwise, true progress in the protection of human rights would prove impossible.

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

12. Mr. LUBBERS (United Nations High Commissioner for Refugees) said that there was a correlation between human rights and refugees, the number of refugees serving as a barometer of how well human rights were respected throughout the world. The Commission on Human Rights and its mechanisms focused on identifying, exposing and pursuing remedies for human rights violations, while UNHCR concerned itself with the victims: refugees and displaced persons. UNHCR had a slightly different role with respect to displaced persons, since its

involvement required the consent of the Governments concerned. In that connection, he wished to acknowledge the contributions made by Mr. Francis Deng and Mr. McNamara as tireless advocates for displaced persons.

13. There was obviously a link between the issue of forced displacement and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in September 2001. The drafters of the Convention relating to the Status of Refugees had made racial persecution a primary cause for the granting of refugee status. In the world of today, however, a single racial or ethnic identity was increasingly being seen as the defining characteristic of nationality, and that amounted to a rejection of diversity. In a rapidly globalizing world, that phenomenon was deeply disturbing. It became even more disturbing when it was the Government itself which, far from mediating racial or ethnic tensions in a given society, encouraged discrimination that even went as far as ethnic cleansing, resulting in the displacement of masses of people.

14. For a decade now, UNHCR had been grappling with such a situation in the Balkans, one which threatened to re-emerge in Macedonia, from the Great Lakes region of Africa to Indonesia. Tensions among ethnic communities were a leading cause of forcible human displacement today. It was the international community, and particularly the Commission and other human rights bodies, that must draw attention to problems before they spiralled out of control. National institutions and other elements of civil society also had a major role, namely prevention, in that area.

15. UNHCR entered the scene only after displacements had already occurred, in other words, to assist refugees. Refugees often faced an uncertain welcome, and the presence of large refugee populations could weigh heavily on communities, testing the limits of human solidarity. The resulting pressures created fertile ground for racism, xenophobia and intolerance. In many parts of the world, faced with the difficulty of distinguishing between migrants seeking better living conditions and asylum-seekers who stood in need of protection, Governments had created a daunting array of obstacles aimed at preventing migrants from reaching their territories. As a consequence, asylum-seekers were resorting to unscrupulous criminal traffickers, becoming victims yet again. The world had to choose between the rule of law and the law of the jungle. UNHCR could help Governments to build equitable structures for the granting of asylum. The task was all the more urgent in that some politicians were exploiting the confusion between refugees and economic migrants, stereotyping both as a social threat. Irresponsible media often joined in the chorus. Governments must do everything possible to de-dramatize those essentially humanitarian issues. The right to seek asylum in other countries, as set out in the Universal Declaration of Human Rights, should be accepted widely as one of the hallmarks of a just world. Human rights institutions could ensure that tough sanctions were applied against those who incited to racial hatred, intolerance and xenophobia. Within countries, efforts should be made in information and education. For example, UNHCR had participated in the European Union's integration programme aimed at promoting tolerance towards foreigners. In South Africa, it was contributing to the "Roll Back Xenophobia" campaign launched by the South African Human Rights Commission and the National Consortium on Refugee Affairs.

16. UNHCR had adopted the theme of respect to mark its fiftieth anniversary: respect for the dignity of refugees as human beings, for their contributions to the communities in which they

lived. Respect went far beyond mere tolerance. It meant an appreciation of refugees as individuals who must be empowered to begin a new life. When the solution for refugees consisted of voluntary repatriation, it was important to ensure that the country concerned could offer them real protection. In some situations, such as East Timor and Kosovo, basic institutions capable of providing such protection must be created. That involved creating a framework of laws, an independent judiciary and a police force that reflected the ethnic composition of the community it served. Rebuilding trust among people and between people and their Government took time. UNHCR's limited mandate required it to leave the scene before true reconciliation could occur. The work of human rights bodies must, accordingly, continue long after UNHCR's involvement had ended.

17. The 1951 Convention relating to the Status of Refugees was the very foundation of refugee protection. The Convention and the Protocol manifested the collective commitment of States to safeguarding the rights of a special group of people that no Government or institution protected. The Convention's fiftieth anniversary was a time to reflect on what needed to be done to ensure the relevance of the refugee protection regime for the next 50 years. To that end, UNHCR had launched the Global Consultations on International Protection which had been opened in Geneva. The Global Consultations were aimed at greater consistency in the interpretation of the Convention and new approaches for closing the gaps in the current protection system. The Convention was in essence a human rights instrument. As such, it fell within the Commission's field of competence. That was why he looked to the Commission to strongly support that fundamental instrument on the occasion of its fiftieth anniversary.

STATEMENT BY THE STATE SECRETARY OF THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF SLOVENIA

18. Mr. GOLUB (Slovenia) said his country associated itself with the statement made on behalf of the European Union by Ms. Lindh, Minister for Foreign Affairs of Sweden.

19. The adoption of the Universal Declaration on Human Rights and of other international instruments on human rights had marked a watershed in human history. There were now internationally recognized limits to human suffering and denigration of the rights of the individual. The Commission was the principal institution for the defence of those rights and the global process of democratisation. It was not enough simply to pay lip service to such causes. Victims of violations had found the best and most fearless advocate in the person of Ms. Robinson, the United Nations High Commissioner for Human Rights. Slovenia strongly supported her work and deeply regretted that she had decided not to seek re-election.

20. Slovenia strongly supported all efforts aimed at strengthening the universality, indivisibility and interdependence of human rights. It also believed that the full enjoyment of human rights was possible only with good governance and that everything should be done to enhance the freedom of the individual and broaden the scope of democracy.

21. In that spirit, Slovenia had signed the Optional Protocol to the Convention on the Elimination of Discrimination against Women and was considering the applicability of article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination. It

also strongly supported the efforts to draft an Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

22. Slovenia supported the intensification of a constructive dialogue on strengthening the effectiveness of the existing system for the defence of human rights. It was essential to prevent gross and flagrant human rights violations under the guise of State sovereignty. No State should be able to violate the human rights of its own citizens. The option of intervention in the internal affairs of States as a way of cutting short massive violations of human rights was an important advance in that direction. Slovenia was eagerly awaiting the report of the International Commission on Intervention and State Sovereignty to be submitted to the General Assembly in the autumn.

23. Slovenia wished to contribute to the efforts being made to eradicate all forms of racial discrimination and would join in the work of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

24. At the regional level, his country was promoting the protection of ethnic minorities in the context of the Stability Pact for South Eastern Europe. It was sponsoring the Task Force on Human Rights and Minorities and was currently co-chairing the Working Table on Human Rights and Democratisation. It recognized that, without systematic protection of the needs, interests and rights of minorities, there could be no long-term stability or democratic progress in the region. That was why, a month ago, Slovenia had hosted the International Conference on Democracy, Human Rights and the Protection of Persons Belonging to Ethnic and Religious Minorities in South Eastern Europe. The Conference had called for the creation of democratic systems of minority protection in the countries of the region and for respect for political, religious, cultural and ethnic plurality at all levels of society.

25. Slovenia was particularly concerned at the deterioration of inter-ethnic relations in the Republic of Macedonia. It rejected the violent acts of ethnic intolerance which endangered inter-community relations in that country. Disrespect for the sovereignty and territorial integrity of Macedonia would endanger peace and stability throughout the region.

26. Migrants and refugees were particularly vulnerable to discrimination. The international community should assist the transit and destination countries of migrants and asylum-seekers, such as Slovenia, in ensuring respect for their fundamental rights.

27. The rights of the child should be a priority for the international community and Slovenia, which would contribute to the Special Session of the General Assembly on Children, strongly condemned the recruitment of children for military service. That was why it had signed the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts. The Slovenian Ministry of Foreign Affairs was acting in close collaboration with Slovenian Philanthropy, a non-governmental organization that was conducting a series of seminars on the treatment and rehabilitation of children affected by the conflicts in Kosovo.

28. Lastly, he wished to emphasize the work done by the International Trust Fund for Demining and Mine Victims Assistance with the victims of mines in Bosnia and Herzegovina. The Fund operated with the generous support of the United States, the European Union and a number of other countries.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF ISRAEL

29. Mr. MELCHIOR (Israel) said that he had entered the world of politics two years previously, having left his position as Chief Rabbi in Norway in order to try to prove to Israeli society that there was no contradiction between religion and peace, or between religion and the fight for human rights and human dignity. In Israel, ethnic and cultural diversity was a source of strength rather than of division and strife. He saw his duties as a member of the Israeli Government as a chance to forge new relations between Jews and Arabs and to help strengthen links between representatives of the three great monotheistic religions. He emphasized the significant role that civil society and Israeli NGOs played in the field of human rights.

30. Drawing on the experience of its past, the State of Israel remained fully committed to safeguarding human rights. Accordingly, it had recently taken active steps to establish a national commission for human rights. The Israeli Supreme Court also played a central role in enhancing the rule of law and individual rights.

31. Israel deplored the developments that had taken place since the Commission's previous session, in spite of the compromises it had proposed at the Camp David summit in July 2000, which had been applauded by the international community but rejected by the Palestinian Authority. Having responded with attacks against the Israeli civilian population, in breach of the Oslo Process, which was based on a commitment by both sides to solve disputes through negotiation and never to resort to violence, the Palestinian Authority had forced Israel to resort to military means. The Israeli Government was not indifferent to the suffering of the Palestinian population and wished to assure the Commission that peace talks would be resumed as soon as the Palestinians halted the violence. If the Palestinian Authority was attempting to turn the conflict into a religious conflict, then that was a dangerous strategy. Similarly, if it justified the conflict by rejecting the right of the Jewish people to self-determination, no compromise was possible. If, however, its aim was to obtain the freedom of the Palestinian people in their own State, that aim could have been achieved, and might still be achieved, through negotiation.

32. It was to be regretted that several items on the Commission's agenda were directed against Israel, amongst them the point concerning the human rights situation in southern Lebanon and western Bekaa. The fact that, in implementation of Security Council resolution 425 (1978), Israel had withdrawn from that area had apparently gone unnoticed by the Commission. Israel urged members of the Commission to reconsider extremist resolutions that led nowhere, and instead to adopt a balanced approach conducive to a resumption of negotiations.

33. The Israeli Government attached high priority to initiatives against racism and discrimination. It considered that a determination to avoid extremism must be central to the concerns of the World Conference against Racism, Racial Discrimination, Xenophobia and

Related Intolerance, scheduled for September 2001. In that regard, his Government also appealed to the international community to refrain from politicizing the conference and from turning it into a platform for the political exclusion of Israel.

34. In conclusion, he expressed the hope that good sense would prevail, thereby sparing Israeli and Palestinian parents from the misfortune of seeing their children killed or permanently maimed. That was what had happened recently to three of his own cousins, who had lost their legs in a terrorist attack on the bus that was taking them to school.

STATEMENT BY THE PARLIAMENTARY SECRETARY FOR FOREIGN AFFAIRS OF JAPAN

35. Ms. MARUYA (Japan) said that the end of the cold war had brought with it tremendous hopes, but it had soon been realized that another scourge was about to emerge, with the proliferation of regional conflicts, brought on mainly by ethnic and religious confrontations. The international community was faced with new problems, such as those of refugees and internally displaced persons, as well as various forms of violations of fundamental rights. Since the end of the Second World War, the international community had made tireless efforts to protect and promote human rights, efforts that had resulted in the adoption of the Vienna Declaration and Programme of Action. The international community now had a common duty to ensure respect for the full range of standards adopted in that field.

36. The primary responsibility for protecting human rights fell to each State. For their part, United Nations human rights forums must continue to provide assistance. While the universality of human rights was not disputed, every country had its own approach to the issue, reflecting its history, culture, traditions and economic and political system. Experience had shown that the best response to human rights violations was a pragmatic approach, rather than a dogmatic attitude that took no account of a country's particular circumstances. Nevertheless, economic, historical or cultural reasons should never be used to justify failure to protect human rights.

37. In that regard, Japan recommended a threefold approach: promotion of mutual understanding through dialogue on each country's specific situation; international cooperation with a view to enhancing human rights protection through effective and practical measures; and, if need be, resolute condemnation of violations. Such an approach, which would make it possible to solve problems without politicization, could be adopted in all United Nations human rights bodies, including the Commission. It was in countries' interest not to confront one another, but to advise one another with a view to enabling all individuals to exercise their fundamental rights and develop their potential to the full.

38. As a former developing country, Japan set great store by the right to development, and considered it an important duty of the Commission to examine how each individual could develop his or her potential to the full, for that was the most effective way of ensuring the development of the nation as a whole.

39. The convening of the World Conference against Racism, in South Africa in September 2001, would provide an opportunity to make significant progress in the field of human rights. While the task was a challenging one, Japan was convinced that the determination

of all countries would make it possible to put an end to that scourge. The Japanese Government, in cooperation with the United Nations Children's Fund (UNICEF), the international campaign End Child Prostitution in Asian Tourism (ECPAT) and the NGO Group for the Convention on the Rights of the Child, would convene the second World Congress against Commercial Sexual Exploitation of Children in Yokohama in December 2001. Child prostitution and child pornography posed a threat to the integrity of the international community, which must accord absolute priority to children's welfare and development. Japan looked forward to working with all countries to make the twenty-first century a century of human rights.

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 4) (continued) (E/CN.4/2001/6, 16, 114 and 133; E/CN.4/2001/NGO/27; E/CN.4/2000/12)

40. Ms. TAHIR-KHELI (United States of America) said it was a great honour to have been chosen by President George W. Bush to head the United States delegation to the Commission on Human Rights. The Bush Administration was fully committed to the cause of human rights and the principles on which the Commission was based. The President had recently reaffirmed his country's commitment to stand by those nations moving towards freedom. For his part, Secretary of State Colin Powell had declared that the Bush Administration's emphasis on human rights would not wane, and that it would always be mindful of the sanctity of the individual as opposed to the State.

41. The establishment of the Office of the United Nations High Commissioner for Human Rights was one of the most important steps that the international community had taken during the past decade. Credit was due to Mr. José Ayala Lasso, Mrs. Mary Robinson and Secretary-General Kofi Annan for bringing human rights into the mainstream of United Nations affairs. In that regard, her delegation regretted the fact that Mrs. Robinson, whose commitment and tireless courage it applauded, had decided not to seek a second term. Mrs. Robinson had helped to bolster the effectiveness of United Nations activities to promote and protect human rights by strengthening the administrative capacity of the Office of the High Commissioner, particularly in its field operations.

42. In February 2001 Mrs. Robinson had visited the United States of America, where she had met with Secretary of State Colin Powell and National Security Adviser Condoleezza Rice. The discussions had covered the very important forthcoming World Conference against Racism, to which the High Commissioner had devoted a great deal of effort.

43. Her country also applauded the work of the High Commissioner's offices in Bogotá and elsewhere in Colombia in assisting the Colombian Government's efforts to strengthen its human rights policies and programmes. In the current year, it had contributed an additional US$ 1.75 million to support the High Commissioner's activities in Colombia.

44. The High Commissioner had visited Israel and the occupied territories in November 2000, and had published her report on 27 November. The United States of America was convinced that a solution to the problem of violence must come from Israelis and Palestinians alike, and that responsibility for the current state of affairs could not be laid at the door of just one of the parties. Her delegation believed that the High Commissioner could have

made that point much more clearly in her report. On the other hand, the High Commissioner was absolutely right to say that negotiation was the only path to peace and stability. The leaders of both sides must show the will to go back to the negotiating table. They must want to achieve peace; a solution could not be imposed upon them.

45. Her country remained deeply committed to achieving a just and lasting peace in the Middle East based on Security Council resolutions 242 (1967) and 338 (1973), and on the principle of "land for peace". The violence must end, and the Palestinians must be able to resume their normal economic activity. For their part, members of the Commission must do their utmost to encourage a return to peace in the region.

46. Her delegation saw the current session of the Commission and the forthcoming World Conference against Racism as opportunities to advance the cause of human freedom.

47. Mr. FERRER RODRIGUEZ (Cuba) drew the Commission's attention to document E/CN.4/2001/6, which referred to various trends to which a significant number of delegations, including his own, had drawn attention on several occasions. In those delegations' view, more meetings of rapporteurs and special representatives should be open to participation by States, so as to create a climate of confidence that would enhance cooperation with States. Furthermore, the trend towards continuous interaction between holders of those mandates and the Secretariat inevitably led to an undesirable politicization of human rights issues. The Secretariat and the Commission must ensure that the decisions taken at the fifty-sixth session were respected. The rapporteurs and special representatives must forward copies of their reports to the Governments concerned and publish those Governments' comments and replies. Again, it was totally unacceptable to make technical cooperation assistance conditional on cooperation with the special mechanisms. Lastly, the idea that intergovernmental bodies must integrate the question of human rights into their activities was acceptable only if, in parallel, those bodies were willing to integrate the right to development in their own activities. Cuba therefore wished to reiterate its proposal for the creation, within the Office of the High Commissioner, of a division devoted exclusively to the promotion and protection of the right to development.

48. With regard to the staffing of the Office of the High Commissioner, Cuba wished to reaffirm the need for equitable geographical representation, so as to ensure that all political, economic, social and legal systems, and all cultural and religious particularities, were duly represented therein. Cuba also stressed the importance of the principle of neutrality. In that connection, it was regrettable that the Secretariat sometimes interfered in the work of the treaty bodies and of the rapporteurs, for example, by taking it upon itself to address communications to States without first informing the relevant mechanisms. Lastly, his delegation called upon donors to refrain from providing contributions that were contingent on certain conditions, a practice that led to enormous discrepancies between the resources allocated to the Office's various procedures and activities.

49. All that being said, Cuba recognized the role of the Office of the High Commissioner in strengthening international cooperation in the field of human rights, and reaffirmed its support for its activities.

50. Mr. ATTAR (Saudi Arabia) said that Saudi Arabia was determined to enhance the protection of human rights and to cooperate with the competent international bodies in pursuit of that goal. The fact that it had ratified various international treaties and contributed to several funds was evidence of its attachment to the cause of human rights.

51. Saudi Arabia wished to express its gratitude to the High Commissioner for Human Rights for the efforts she was making to further that cause. It had taken note of the report submitted by Mrs. Robinson to the fifty-fifth session of the General Assembly and was grateful for the recommendations it contained with a view to curtailing flagrant violations of those rights.

52. The Saudi Arabian Government also wished to thank the High Commissioner for her report on her visit to the occupied Palestinian territories. The Commission should do its utmost to ensure that the proposals made by the High Commissioner following her mission to Palestine were followed up, and to secure an end to the tragedy of the Palestinian people.

53. Mr. NUSHIRWAN (Malaysia), speaking on behalf of the Like-minded Group of Countries, namely Algeria, Bangladesh, Bhutan, Cuba, China, Egypt, India, Indonesia, Islamic Republic of Iran, Myanmar, Nepal, Pakistan, the Philippines, Sri Lanka, the Sudan and Viet Nam, said that since the establishment of the Office of the High Commissioner for Human Rights eight years previously, human rights had assumed a higher profile in international affairs. Almost all States now recognized that realization of human rights for all required cooperation and a collective effort and that human rights could no longer be seen as the monopoly of a few States.

54. The countries on whose behalf he was speaking believed that open and frank consultations among States on the work of the Office of the High Commissioner, conducted in a spirit of cooperation and mutual respect, was bound to help attain common objectives. Accordingly, States should refrain from attempts to impose on the Office of the High Commissioner an approach that did not reflect the diversity of standpoints.

55. The Like-minded Group of Countries believed that the Office of the High Commissioner could best fulfil its task by remaining true to the mandate conferred on it by General Assembly resolution 48/141, and that any departure from that mandate would be detrimental to its credibility. In that regard, the Like-minded Group wished to make four comments, which it hoped would be given due consideration. First, they believed that greater efforts should be made to rectify imbalances between the financial and human resources allocated to economic, social and cultural rights, including the right to development, on the one hand, and to civil and political rights on the other. Second, if it wished to continue to enjoy the support of all States, the Office of the High Commissioner must ensure that its policies, particularly with regard to recruitment, reflected more fully the diversity of social, political and legal traditions among States Members of the United Nations. Third, the Office of the High Commissioner must find ways of making the best use of the human rights expertise available in the regions where activities were undertaken. Such an effort would enable account to be taken of the particularities of the society

in question, and would assist in building national capacity. Fourth, the technical cooperation and advisory services provided at the request of Governments were the most effective means of promoting and protecting human rights. That approach made it possible to avoid politicization and confrontation. It also provided evidence of the will of the States concerned to address their own human rights concerns. With regard to the Annual Appeal 2001 launched by the Office of the High Commissioner in November 2000, an initiative that was to be commended, Malaysia and the Like-minded Group of Countries were concerned at the practice of earmarking contributions for specific programmes, a practice that influenced the determination of the Office's priorities and could result in human rights not being treated in a fair and equitable manner.

56. The previous year, those same countries had drafted a resolution entitled "Strengthening of the Office of the United Nations High Commissioner for Human Rights", motivated partly by the desire to engage partners in a dialogue about the work of the Office of the High Commissioner. In the light of its desire to rationalize the work of the Commission, those countries had decided that henceforth they would table such a resolution only once every two years. However, they remained willing to discuss that issue with other interested parties.

57. In conclusion, the Like-minded Group of Countries thanked Mrs. Mary Robinson for her efforts in her capacity as High Commissioner for Human Rights, particularly in the field of economic, social and cultural rights. They wished her every success in her future endeavours.

58. Ms. AL-HAJJAJI (Libyan Arab Jamahiriya) thanked the African Group for nominating her as Vice-Chairperson of the Commission at its fifty-seventh session. As the Chairperson had pointed out, at least half the members of the Bureau were women, something that was indicative of the increasing role now being played by women, in the developing as well as the developed countries.

59. Libya was mindful of the difficult circumstances in which the Special Rapporteurs had to work. In its appeal for the year 2001, the Office of the High Commissioner for Human Rights had also mentioned the shortfall in the human and financial resources at its disposal. However, those difficulties did not entirely account for the fact that the Special Rapporteurs mentioned in paragraph 6 (d) of the resolution adopted by the Commission at its fifth special session (resolution S-5/1) had not immediately carried out missions to the occupied Palestinian territories, as they had been asked to do. On 2 January 2001, the Permanent Mission of Israel in Geneva, in reply to the request of the Special Rapporteur on religious intolerance for a visa to visit the occupied territories, had stated that the Government of Israel did not intend to implement that resolution. Moreover, the Chairperson of the Working Group on Enforced or Involuntary Disappearances had decided on his own initiative, and on not very convincing grounds, not to visit the occupied territories. On 20 February 2001 the Special Rapporteur on violence against women had asked the Ambassador of Palestine and the Ambassador of Israel for an interview to discuss matters arising from her mandate. She was still waiting for a reply. That Israel, the occupying power, was refusing to cooperate with the Commission would not surprise anyone, since it had always snubbed resolutions by international bodies. On the other hand, one could hardly fail to be concerned at the lack of urgency on the part of the special mechanisms and procedures set up by the Commission itself in visiting the occupied territories in accordance with the resolution in question.

60. In that connection it should be pointed out that according to paragraph 26 of the annex to Commission decision 2000/109, entitled "Enhancing the effectiveness of the mechanisms of the Commission on Human Rights", the human rights machinery of the United Nations human rights mechanisms was particularly tested when there were allegations of an urgent situation of serious violations requiring immediate attention in any part of the world. It was also stated that the thematic or country-specific rapporteurs should be permitted to visit the spot immediately.

61. Were the Commission's mechanisms unaware that people were being killed every day, and many others injured, in the occupied territories? Had they studied the report drawn up by the High Commissioner following the mission which she had carried out to Palestine, in great haste and at risk to her life? Were they unaware of the facts recorded in reports by trustworthy organizations such as the ICRC? All those questions called for an answer.

62. Ms. KUNADI (India) paid tribute to Mrs. Robinson, the High Commissioner for Human Rights, for her tireless commitment to the cause of human rights. She particularly welcomed the guiding role played by the High Commissioner in preparations for the World Conference Against Racism.

63. Referring to paragraph 10 of the High Commissioner's report (E/CN.4/2001/16), she observed that there was no viable substitute for sovereign nation States, and that to weaken or diminish States would only pave the way to anarchy. It was therefore incumbent upon the international community to discourage forces that sought to undermine multi-religious and multi-ethnic States or promoted discrimination against minorities. In that context, she welcomed the High Commissioner's reference in her opening statement to acts of violence perpetrated by non-State actors which resulted in gross violations of human rights. India attached great importance to that aspect.

64. Her Government welcomed the mention in the High Commissioner's report of the question of racial discrimination against migrants. National policies towards migrants should not be motivated by racist considerations. Migrants must receive just and equitable treatment in society and in the workplace.

65. The situation of refugees was worrying. States must undertake to reinforce protection for refugees and asylum-seekers in general, and refrain from classifying certain countries as "safe". Attacks by extremist groups against refugees were matters of extreme concern.

66. Care should be taken to prevent the spread of racist ideas through the mass media and information technologies such as the Internet. The right to freedom of speech and expression must not be used to impede strategies designed to check racial bias.

67. Moreover, because poverty and economic disparities between various parts of the world contributed significantly to the persistence of racist attitudes, steps should be taken to ensure that globalization did not exacerbate those disparities.

68. She endorsed the High Commissioner's appeal to pay due attention to the gender dimension of racial discrimination. Racial prejudice among young people and children should be combated through education, culture and information. Certainly, stringent laws were needed to combat racism, but what was needed most was a change in attitudes. In that respect, she welcomed the appointment of Goodwill Ambassadors to promote awareness of racism in the context of the World Conference.

69. The Government of India fully supported the High Commissioner in her role as Secretary-General of the Conference. It hoped she would continue to work for human rights when her term of office was over, and wished her every success.

70. Mr. AKRAM (Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), said the OIC, abiding by the principles of Islam, a religion of peace and tolerance, endorsed the High Commissioner's recommendation to adopt decisive measures to prevent gross violations of human rights, to integrate human rights in international peacekeeping and security measures, and to implement the right to development.

71. The High Commissioner had welcomed the growing interest in protecting human rights in conflict situations. Unfortunately, the current situation in the occupied Palestinian territories and in occupied Jammu and Kashmir stood in stark contrast to such optimism. In that respect, the OIC was disappointed that the consistent violations of the human rights of Muslim people were never taken up by the High Commissioner's personal envoys to crisis regions. The OIC was also deeply concerned at the sinister campaign to portray Islam as a religion with lesser safeguards for women. Islamophobia was an unfortunate phenomenon and was becoming more widespread. For the members of the OIC, attacks on Islam and its values were a cause of concern which unfortunately was not reflected in the report of the High Commissioner on the work of the Commission's fifty-sixth session.

72. The OIC welcomed the High Commissioner's report on her visit to the occupied Palestinian territories (E/CN.4/2001/114) and deplored Israel's refusal to allow the High Commissioner to make her visit as part of her mandate under Commission resolution S-5/1. From the report, it was clear that the human rights situation on Palestinian territory was extremely grave, that Intifada was a spontaneous and popular uprising, that the Israeli defence forces were committing grave breaches of the 1949 Fourth Geneva Convention, and that Israeli settlers were living in closed areas protected by Israeli soldiers and using facilities denied to the Palestinian people. The report also showed that non-implementation by Israel of the relevant General Assembly resolutions, especially Security Council resolution 242 (1967) was the underlying cause of the present situation. To that must be added Israel's obduracy in relation to the final status negotiations, its avoidance of responsibility concerning the right of return of refugees, its settlement policy, its attempts to alter the demographic composition and historical demarcation of the Holy City of Al-Quds al-Sharif, and the claims it was making about the status of the Al-Aqsa Mosque.

73. The OIC considered the use of the term "violence" in the High Commissioner's report misleading, because it tended to equate the aggressor with the victims. Accusing the Palestinians of using the language of hatred and inciting hatred was to forget the daily suffering of people who had had to face a brutal occupation for over 50 years. The Palestinians had no choice but to

rely on their own strength and cohesion to uphold their fundamental rights. The OIC concurred with the High Commissioner's recommendations to establish an international monitoring presence, to withdraw Israeli military forces from their forward positions, to have a lower Israeli military profile in the occupied territories, and to implement fully international humanitarian law and the standards enshrined in the international human rights instruments. The OIC appreciated the High Commissioner's commitment to supporting the action taken by the Commission and its mechanisms in implementing resolution S-5/1. It would like to see a report on the implementation of the resolution.

74. Ms. ABOULNAGA (Observer for Egypt) said there had been unwarranted negligence by the human rights protection mechanisms in implementing the Commission's resolutions on the Palestinian territories. However, she was grateful to the High Commissioner for the frankness of her report on her visit to the territories and for the clarity and wealth of the information provided. The report should form the basis for the work of the Commission on Human Rights, on which the effective protection of the rights of the Palestinians depended. As the occupying power, Israel must accept sole and entire responsibility for the current extremely worrying situation on the ground. Efforts to place the responsibility on the people under occupation and to distort the facts were not acceptable. The Israeli aggression was quite indefensible, whatever the attempts made by Israel to woo support. If the recommendations made by the High Commissioner in November 2000, on the day following her visit to the Palestinian territories, were urgent, the situation was even more urgent now. She was thinking especially of the recommendations concerning international protection for the Palestinians, compensation for the victims and the application of the Convention relative to the Protection of Civilian Persons in Time of War.

75. Egypt called on Israel to bring its occupation and aggression to an end, to cooperate fully with the Commission's mechanisms and to implement the High Commissioner's recommendations and the resolutions arising from them. A peace not based on human rights would be no more than an illusion. Respect for those rights, and especially the rights of civilians in armed conflict, was crucial if a just and lasting settlement in the region was to be achieved.

Statements in exercise of the right of reply under agenda item 3

76. Ms. WILLIAMS (Observer for Cyprus) referred to the statement made at the previous meeting on behalf of the Organization of the Islamic Conference by the delegation of Pakistan, which had condemned "the isolation of the Turkish Cypriots". That isolation was merely the result of the illegal occupation of Cypriot territory by Turkey. The Secretary-General of the United Nations was now seeking, together with a number of distinguished persons, to settle the Cyprus problem.

77. Mr. GAZOGLU (Observer for Turkey), replying to Ms. Williams, said that there was no occupation in Cyprus, but a lawful presence based on international agreements, namely the Treaty of Guarantee of 1960.

78. Ms. WILLIAMS (Observer for Cyprus) said that she would reply to that statement at a later stage, under item 9 (a) of the agenda. For the moment, she urged delegations to join in the efforts of the Secretary-General for the reunification of the island.

79. Mr. SAMVELIAN (Observer for Armenia), replying to the statement made by the delegation of Pakistan on behalf of the Organization of the Islamic Conference, said there was no justification for the charge that Armenia had acted as the aggressor towards Azerbaijan. That accusation could not be supported by any document from the General Assembly or the Security Council.

80. Mr. MUSAYEV (Observer for Azerbaijan), replying to the representative of Armenia, said that respect for the territorial integrity of States was a principle not to be contravened by any State. Nonetheless, in 1999 the Armenian Parliament had adopted a resolution endorsing the annexation of Nagorny Karabakh, which was Azerbaijani territory.

Statements in exercise of the right of reply under agenda item 4

81. Mr. RAMBLAWI (Observer for Palestine) said that the rabbi, Michael Melchior, had summed up the whole of the Palestinian tragedy in one sentence when he had spoken of leaving Norway in order to settle in Israel. As for himself, he had been expelled from Jaffa where he was born, and did not have the right to return to the city of his birth.

82. Mr. Melchior had described Israel as a democratic country with a horror of racism. How could the Commission on Human Rights believe such a lie? Could a society based on murder and the dispossession of others be called democratic? Mr. Melchior's remarks would lead one to believe that Israel respected human rights. Could the Commission possibly be deceived on that score, after having condemned Israel year after year for its exactions in the occupied Arab territories? A country which recognized the right of some to return to a territory, while denying it to the people who came from there, was a racist country.

83. Mr. IBRAHIM (Observer for Lebanon), replying to the representative of Israel, said that Israel had not implemented Security Council resolution 425 (1978) of 16 March 1978 until 23 May 2000, and in spite of its withdrawal, border violations by Israel were taking place every day.

84. Mr. LEVY (Observer for Israel) said that some delegations had chosen to disregard the peace message addressed to them by Israel's Deputy Minister for Foreign Affairs. He attributed complete responsibility to the Palestinians for the violence which had broken out in the territories. He took the view that the violence had been planned and coincided with Arafat's rejection of the proposals made by Mr. Barak at Camp David. It was for the Palestinian authorities to make an immediate appeal for the violence to stop.

85. Some delegations had referred to the refugee question. Discussion of that issue was part of the ongoing negotiations. It had been on the agenda of the Camp David negotiations, and a compromise was on the point of being reached when the Palestinians had rejected all the proposals made to them. As for Lebanon, from which Israel had entirely withdrawn, it could only be advised to implement Security Council resolution 425 (1978) in full.

86. Mr. RAMBLAWI (Observer for Palestine) said it was surprising to hear that the Intifada had been planned long in advance. Everyone knew that the new Intifada had been caused by Sharon's visit to the site of the Al-Aqsa Mosque, and that Israeli forces had opened fire on Palestinians protesting against the violation of an Islamic holy place. The Palestinians had the right to resist Israeli occupation; it was a right guaranteed by United Nations resolutions. Israel was seeking to occupy Palestine by force, but Palestinian resistance would never waver.

87. Mr. IBRAHIM (Observer for Lebanon) said his country had no time for Israel's advice. On the other hand, bringing pressure to bear on Israel to implement United Nations resolutions was an absolute necessity. It was true that Israel had withdrawn from southern Lebanon, but it had left behind thousands of landmines which could not be located on any map.

The meeting rose at 1.15 p.m.